

Amendment No. 1 to Amendment 5 to HB3250

**Tindell
Signature of Sponsor**

AMEND Senate Bill No. 3212*

House Bill No. 3250

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By deleting all of the language of Amendment No. 5 and by substituting instead the following:

By deleting amendatory §3-17-101(2)(E) in Section 2 and by substituting instead the following:

(E) Conducted at one (1) location within a county where the organization maintains a physical presence;

AND FURTHER AMEND By deleting amendatory §3-17-102(a)(3)(B) in Section 2 and by substituting instead the following:

(B) An annual event shall be operated at a single location within a county in Tennessee where the §501(c)(3) organization has a physical presence, as disclosed pursuant to §3-17-103(a)(2)(A). Such location shall be listed as the location of the annual event in the annual event application pursuant to §3-17-103(a)(16). No more than two (2) annual events per month shall be held at the same location in each county during any annual event period. For the purposes of this item, "location" means a single physical site in a county identified by an address or unique descriptive feature. Nothing in this subsection (a)(3)(B) shall be construed to limit the ability of an organization to sell tickets, shares, chances or similar records for an authorized annual event in any political subdivision of this state.

AND FURTHER AMEND By deleting the language ", or locations," from amendatory §3-17-102(b) in Section 2.

AND FURTHER AMEND By deleting the language ", or locations," from amendatory §3-17-102(c) in Section 2.

AND FURTHER AMEND By deleting amendatory §3-17-102(d)(1) in Section 2 and by substituting instead the following:

(1)

(A) An authorized annual event shall be held within fourteen (14) calendar days of the event date listed in the annual event application; provided that nothing herein shall be construed as allowing two (2) annual events in any one-year period.

(B) A §501(c)(3) organization shall give notice to each chief law enforcement officer of the county or municipality in which the annual event shall be conducted one hundred thirty (130) days prior to the event date listed in the annual event application; provided that if the event date is within one hundred thirty (130) days from notification of authorization to conduct an annual event, the §501(c)(3) organization shall immediately, upon receipt of such notification and prior to the commencement of selling any tickets, shares, chances or similar records, give notice to the chief law enforcement officer of the county or municipality in which the annual event shall be conducted. In accordance with subsection (d)(1)(A), if the actual event date is different than the event date listed in the annual event application, a §501(c)(3) organization shall give an additional notice to each chief law enforcement officer of the county or municipality in which the annual event shall be conducted prior to conducting the annual event. For the purposes of this item, "notice" means a letter sent by certified mail, or by actual physical delivery of a letter to the chief law enforcement officer or such officer's designee, containing, at a minimum, the following information:

(i) The name of the §501(c)(3) organization;

(ii) The name of the event;

(iii) The location of the event, including the physical address

where the annual event will be conducted;

(iv) The type of lottery game to be conducted;

(v) The event date for the event listed in the annual event

application;

(vi) If applicable, the actual event date for the annual event if different than the event date listed in the annual event application;

(vii) The name, address and telephone number of the §501(c)(3) organization's chair, president or chief administrative officer; and

(vii) If applicable, the name, address and telephone number of the person responsible for the operation of the annual event for the §501(c)(3) organization, if different than the organization's chair, president or chief administrative officer.

AND FURTHER AMEND By deleting amendatory §3-17-103(a)(16) in Section 2 and by substituting instead the following:

(16) The location of the annual event including, at a minimum, the county in which the annual event would be conducted. Such location shall be in a county where the §501(c)(3) organization has a physical presence in Tennessee;

AND FURTHER AMEND By deleting the language "conflicting locations for an annual event." from amendatory §3-17-104(b) in Section 2 and by substituting instead the language "conflicting locations for an annual event and conflicting event dates."

AND FURTHER AMEND By deleting amendatory §3-17-105(f) in Section 2 and by substituting instead the following:

(f) A §501(c)(3) organization that has received authorization to conduct an annual event, may, at the discretion of the organization, cancel an annual event; provided that:

(1) An affidavit from the §501(c)(3) organization's chair, president or chief administrative officer is filed with the secretary and the chief law enforcement officer of the county or municipality stating that the annual event is cancelled, and the nature of the cancellation, within ten (10) calendar days of the decision to cancel the event. Such cancellation shall be posted on the website of the secretary. Notwithstanding any provision of this chapter to the contrary, if an annual event is cancelled, no other

notice to the chief law enforcement officer of the county or municipality or a financial accounting shall be required except as provided in subdivision (2) of this subsection; and

(2) If cancellation occurs after the commencement of sale of tickets, shares, chances or similar records, a full refund is offered for at least ninety (90) days following cancellation. A §501(c)(3) organization shall give reasonable public notice of cancellation in the area in which tickets, shares, chances or similar records were sold including the terms of the refund offered. Such terms shall be included in the affidavit required pursuant to subdivision (1) of this subsection including a mailing or physical address to submit a refund claim and, within ninety (90) days of cancellation, the organization shall file an accounting of tickets sold, refunds made and ticket proceeds remaining with the secretary and the chief law enforcement officer of the county or municipality. Any remaining ticket proceeds shall be used in furtherance of the charitable purposes or programs described in §3-17-103(a)(19) of the organization's annual event application.

No annual event cancelled pursuant to the provisions of this subsection may be conducted during the annual event period.

AND FURTHER AMEND By deleting item (E) in Section 7 and by substituting instead the following:

(E) Conducted at one (1) location within a county where the organization maintains a physical presence;

AND FURTHER AMEND By the language ", or locations," from amendatory §39-17-653(a) in Section 9.